

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER BIERNAT,

Plaintiff,

No. 13-13933

v.

District Judge Paul D. Borman
Magistrate Judge R. Steven Whalen

TRANS UNION, LLC, ET AL.,

Defendants.

ORDER¹

Before the Court is Plaintiff's Motion to Compel Deposition of Managing Agent of Trans Union, LLC Under Rule 30(b)(1) [Doc. #29]. The Court conducted a telephonic conference with counsel for the parties on June 20, 2013. The Motion is GRANTED IN PART AND TAKEN UNDER ADVISEMENT IN PART, as follows:

1. If it has not already done so, Trans Union will identify for Plaintiff the name of the person that is the subject of this Motion, who has been described as the "individual who investigated Ms. Biernat's disputes to Trans Union."
2. Plaintiff will issue a deposition subpoena for that witness, and counsel for Trans Union will accept service on behalf of that witness.
3. The witness will be deposed in or near Fullerton, California.
4. Plaintiff's issuance of a subpoena as directed in this Order does not operate as a waiver of her claim that the deponent is properly considered a party, or managing agent of

¹ On April 3, 2013, this case was consolidated with Case No. 12-13933 [Doc. #19]. Case No. 12-13933 was then closed, and the Court directed that all motions be filed under the present case number [Doc. #20].

a party, under Fed.R.Civ.P. 30(b)(1). The deposition may include questions related to the deponent's status for purposes of Rule 30(b)(1).

5. The Plaintiff's request that the witness be deemed a managing agent under Rule 30(b)(1) is TAKEN UNDER ADVISEMENT.

6. Within 14 days after the deposition of the witness, the parties shall file supplemental briefs, not to exceed 10 pages in length (excluding tables of contents, indexes of authority, etc.), addressing the issue of whether the witness should be deemed a managing agent. No reply briefs will be filed.

IT IS SO ORDERED.

Dated: June 24, 2013

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on June 24, 2013, electronically and/or by U.S. mail.

s/ Michael Williams
Relief Case Manager for the
Honorable R. Steven Whalen